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International Statebuilding – Time to Reconsider

Um aktuelle Ansätze international induzierter Staatsbildung besser zu verstehen, sollten die zentralen Konzepte, auf welchen sich diese Praktiken gründen, erneut untersucht werden. Zerlegt man Staatsbildung in ihre Einzelkomponenten, so zeigt sich die enorme Weite des Feldes, und schließlich die Notwendigkeit, gängige Praktiken der Internationalen Gemeinschaft zu hinterfragen. Staatsbildung bedeutet im Grunde Institutionen zu entwickeln, welche die Beziehungen zwischen Staat und Gesellschaft regeln. Institutionen bestehen nicht nur aus formalen Regelsystemen, sondern ebenso aus informellen Normen und wie beide angewandt und durchgesetzt werden. Dies wirkt sich auf die Transferierbarkeit von Institutionen aus. Der vorliegende Beitrag schließt, dass dem Ziel der Staatsbildung mehr durch eine Betonung der Prozesse institutioneller Entwicklung gedient ist, als durch die Auferlegung vorgefertigter ‚Lösungen‘. Der Prozess der lokalen Problemlösung durch neue Staatsstrukturen, wie fehlerhaft und ineffektiv er auch erscheint, ist Grundvoraussetzung für dauerhaften Wandel.

*Keywords: International Transitional Administration, State-building, New Institutionalism, process orientation, State-in-Society Approach, Balkan/Bosnia
Internationale Übergangsadministration, Staatsbildung, Neo-Institutionalismus, Prozeßorientierung, “State-in-Society” Ansatz, Balkan/Bosnien*

1. Introduction

This article’s primary concern is to discuss the practice of setting up international transitional administrations in post-conflict societies for the purpose of statebuilding. It proposes that disaggregating this project and looking anew at its various components – its end (the state), the process (statebuilding), the agents and subjects of change (actors) and the vehicle (institutions) – reveals not only its immense scope but also the need to revisit current practices. It underscores that institutional development is a lengthy and complicated process defying quick solutions. The article questions reformist and critically optimistic approaches to post-conflict reconstruction that dominate the literature and seem to take for granted a “try again, fail again,

fail better” method to international interventions (Cramer/Goodhand 2002). It challenges the fundamentally positivist assumption that the basic concepts are right and only implementation needs improvement. Revisiting those concepts that underlie models of political development in post-conflict societies might be a starting point for further research and, ultimately, better practices.

Focusing largely on operational specifics of peace- and statebuilding missions, current approaches tend to neglect the role that such operations play with regard to the export of certain norms and models of political institutions (Paris 2002). Static concepts of the state as a unitary and autonomous organization obstruct the view on the dynamics of post-conflict statebuilding processes. Similarly, international interventions have focused on targets (e.g. an

“independent judiciary”) without properly understanding the processes leading there (Ottaway 2002, 1009).

A dynamic definition of the state is essential for the study of statebuilding and the potential role of the international community in such processes. The new institutionalisms in social science have developed approaches that help to understand actors and structures and can stimulate new analyses of war to peace transitions. They provide the basis for this discussion of institutional change. The final section applies insights from the theoretical discussion to some recent experiences in externally driven statebuilding missions.

2. What is at stake in international statebuilding?

State- and peacebuilding concepts have become increasingly complex. Best practice and lessons learned exercises have resulted in highly multifaceted, costly, and time consuming reconstruction concepts. Yet increased comprehensiveness is often frustrated by impasses during implementation. Practitioners and scholars have thus turned to international transitional administration to lead the process of transition from war to peace through statebuilding. But international transitional administration and statebuilding are both highly complex, probably among the most difficult tasks a nation or international organization can undertake, as the record of such attempts exemplifies (Caplan 2002; Etzioni 2004). Even unsurpassed military power and extraordinary resources cannot ensure mastering the challenge of such complexity, much less produce quick results (Pei/Kasper 2003).

Complexity is two-fold: The environments that the international community faces are best captured as “complex political emergencies,”¹ that have multiple and interconnected causes, courses, and consequences. Each case is unique, yet with state collapse or state failure complex political emergencies share an important characteristic (Spanger 2002, 4). The international community is also a highly complex actor. More accurately, the international community is a sys-

tem comprising multiple actors, and thus various interests, agendas, and strategies that are not necessarily complementary. Both dimensions cumulate in the context of externally driven post-conflict statebuilding, increasing the complexity.

2.1. Statebuilding and the Modern State

Before we can discuss statebuilding, we need to define the state. Taking Weber’s (1946, 78) classic definition as a starting point, the state is “a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.” This entails conceptions of state-society relations that are potentially conflicting. The state needs autonomy from society to be operational. The level of state efficiency and its decision-making capacity are linked to the degree of state autonomy. More autonomy leads to an increase in both efficiency and decision making capacity. Yet, conversely, the degree of states’ governance abilities and legitimacy depends on how deeply they are anchored in society (Spanger 2002, 10f.). This relationship is not static but interactive (Jackson/Nixon 1999). This suggests that the state is not standing *a priori* over and above society, but should rather be understood as a state-in-society (Migdal 2001).

Following the state-in-society approach avoids focusing the analysis of the state solely on the central state institutions which tends to attribute extensive abilities to the state to enforce its will on society, underestimating in turn the effect of society on the state (Manning 2003, 29). Migdal (2001, 16) alternatively defines the state as a “field of power marked by the use and threat of violence and shaped by (1) the image of a coherent, controlling organization in a territory, which is a representation of the people bounded by that territory, and (2) the actual practices of its multiple parts.”

This definition of the state has two essential features: it disaggregates the state into its different parts and recognizes their interaction (for instance along the vertical or horizontal dimension, such as central vs. local, or among differ-

ent administrative departments); and it considers states as embedded in society, as distinct organizations within societies among numerous others (Evans 1995). Thus it addresses the paradox that the state is simultaneously apart from society and a part of society that is inherent in Weber's definition. Neither can states transform societies sufficiently to solve this dilemma nor vice versa. Rather, both states and societies transform each other and are thus mutually constitutive. Migdal (2001, 263) therefore speaks of the "limited state".

At the heart of statebuilding is the struggle for legitimacy. In the classic approach to the state, legitimacy is the basis for the reproduction of the "relations of rule" that ensures the survival of the state as a functional unit. The "limited state" approach broadens the perspective by locating this struggle in multiple arenas, both inside the state and in state-society junctions. Legitimacy serves to maintain the "image" of the state and derives directly or indirectly from the "practices of its multiple parts," which can either consolidate or create rifts in the image. Whereas maintaining legitimacy assures the survival of the state, gaining legitimacy is at the heart of statebuilding.

Scharpf (1999) and others have identified two ways for the creation and maintenance of legitimacy: "input legitimacy" and "output legitimacy". "Input legitimacy" draws on a commonality among the citizenry together with the belief that the existence of the state is "right". Weber's ideal types of authority (traditional, charismatic, and rational-legal) provide useful concepts of various sources of this belief. Despite their different characteristics, all three concepts rest on the relationship between leaders and followers. The leader (state) derives his role from the belief his followers have about his mission. In democracies, input legitimacy is realized through popular participation and representation (Peterson/Shackleton 2002, 356). The standard strategy to provide it in post-conflict situations is to create a power sharing mechanism that gives the warring factions a stake in government at least on paper.

"Output legitimacy" relates to the general effectiveness of the state in dealing with prob-

lems and generating policy outputs. The state can gain legitimacy on the output side through the provision of public goods and services (welfarism) or by welfare enhancing interventions (utilitarianism). Only if citizens identify the state as the provider for public goods does the state gain legitimacy (Stauffer 1999). Post-conflict governments lack the resources to provide such services and are thus largely dependent on the international community. While the inflow of resources and services is important for alleviation of human suffering, it can also create dilemmas and obstacles to the development of the state.

The state is thus a multidimensional actor embedded in society. Both state maintenance and statebuilding depend on legitimacy. For the state to be legitimate in the eyes of the citizens, it must be authoritative and have the capacity to make and enforce decisions. The process of statebuilding, then, is a struggle for state dominance over society to make and enforce the rules that govern society.

Since the state is no unitary and completely autonomous actor, this struggle comprises conflicts between the state and other social actors, and between the different parts of the state, occurring in multiple arenas (Manning 2003, 29ff.). In order to understand the dynamics of post-conflict statebuilding, we have to turn to the driving forces of these processes. We have to understand the actors and the interests that clash during statebuilding and the institutions that structure these processes.

2.2. *The relevance of actors and institutions*

Statebuilding conflicts involve myriad actors and changing coalitions of (individual or corporate) actors, like interest, or ethnic / identity groups. The goal of post-conflict statebuilding is to change the behavior of actors from hostility to cooperation and accommodation of conflicting interests. Actors have to form political units that enable them to settle their conflicts in non-violent ways. It is widely assumed that the most effective and enduring way to do so is to build a state.

Historically, statebuilding processes reach over an extensive time span. Post-conflict statebuilding is commonly understood as accelerated state formation through external assistance, i.e. security, money, and technical knowledge. Yet, as Miliken and Krause (2002) note, one can only expect such success if the state is taken completely out of its historical context, an institutional form independent from the historical forces that created it. These concepts have proven problematic in the context of modernization theory and there is little to suggest that this should be different in post-conflict contexts. The state is more than an organizational construct. Actors and structures are also relevant for the character and viability of states.

2.2.1. Actors

Analyzing the behavior of actors requires understanding how they make decisions. Refraining from an exhausting discussion of actors, we shall simply indicate that actors are complex entities whose decision making and preference formation are not to be treated exogenously, as much of the post-conflict literature does.²

Preferences derive from actors' interests and identities. When trying to understand actor behavior, we can treat either one as endogenous or exogenous (Fearon 2002). This article treats them as endogenous since we are interested in understanding how actors change their behavior from violent confrontation to peaceful cooperation under a state order. Treating preferences as given would render prospects for such development bleak. The preference-action link resembles a two-step model that helps to understand why actors cooperate: first we explain preference formation, then we explain interaction between actors that leads to an outcome (e.g. cooperation). The discussion of institutions suggests that this is not a one way street: the preferences of actors might result from their interaction. The two-step model is in fact an endless dance, with preferences leading to action/interaction, which in turn leads to new or consolidated preferences.

Treating preferences (interests and identities) as endogenous requires a conception of their origin and potential change. Multiple actors interacting in complex and dynamic networks complicate the study of agency. Yet agency is not only actor dependent. In fact, most social science accepts that while actors conceived as purposeful agents have an impact on society, they are simultaneously affected by that society (Wendt 1987, 337f.). Thus, agency can at least partly be explained via social structures, the institutions in a society.³

2.2.2. Institutions

Statebuilding is often referred to as institution building, or institutional design/engineering (Bastian/Luckham 2003) but institutions are mostly taken for granted. Unfortunately, "institution, too, is a complicated concept" (Ottaway 2002). Merriam-Webster defines institution as "a *significant* practice, relationship, or organization in a society or culture [...] an *established* organization or corporation especially of a public character." Two qualities, "significant" and "established", are particularly important (Bakarat/Chard 2002, 818). Structures, like interests and identities, can also be differentiated as exogenous and endogenous: The former impact on actors in the sense of physical constraints (Fearon 2002, 65ff.). The latter poses cognitive constraints and are the subject of the discussion below.

Social structures are systems of beliefs and practices (Fearon 2002, 65). Following Wendt (1992, 399) belief systems (collective knowledge) and related actions of individuals construct social structures: shared belief systems entail shared assumptions about possible actions of others upon which decisions about actions are made. Thus, actors and endogenous structures are mutually constitutive. Institutions are relatively stable ("established") sets or "structures" of identities and interests. They can be codified in formal rules and norms and are fundamentally cognitive entities but they act on individuals as more or less coercive social facts. Identities and such collective cognitions do not

exist apart from each other; they are also “mutually constitutive.” Institutionalization is a process of internalizing new identities and interests, not something occurring outside them and affecting only behavior. Socialization is a cognitive process, not just a behavioral one.

This concept of institutions is not limited to sociological institutionalism. North’s (2003, 9) “institutional order” is a combination of formal rules (constitutions, laws, organizations), informal constraints (norms of behavior, conventions, codes of conduct, ‘culture’), and their enforcement characteristics (law enforcement, social pressure to comply) which determine the effectiveness of the institutional order to shape actor behavior. March and Olson (1998, 948) explain institutions similarly as “relatively stable collections of practices and rules defining appropriate behavior for specific groups of actors in specific situations.” All these perspectives define institutions as a function of rules, norms and practices (behavior or enforcement mechanisms). They go beyond neo-classic economics approaches that treat institutions as politically determined rules that are introduced top-down on actors and constrain their behavior like *physical constraints*. The traditional institutions-as-rules perspective is of limited value for international statebuilding since treating institutions only as formal rules presumes a functioning and authoritative state that can enforce them effectively (Greif forthcoming).

We can summarize that all actions, events, and outcomes in the social world result from agency. Agency in turn hinges on concrete historical contexts that condition the possibilities for action and influence its course. Any analysis of social action has to account for both, the power of agents and the relevance of structures, that condition action. So does international statebuilding.⁴ The discussion of institutions suggests that the international community does not build institutions in a post-conflict situations, but organizations, which need to be made “significant and established” by the domestic actors themselves (Ottaway 2002). The following section examines how institutions change, proposing that statebuilding is essentially about transforming or replacing institutions in a society.

2.2.3. Institutional change

Wendt identifies two ways of institutional change that are relevant for the discussion on how post-conflict situations can (or cannot) be transformed: institutions change either unintentionally through evolution of practice, or intentionally, as a consequence of self-reflection, a conscious choice by actors to transform their roles and identities. The latter has at least two prerequisites: Actors must have a reason to think of themselves in different ways, such as facing new social contents unmanageable by traditional self-conceptions. And the rewards of role change must be greater than the costs (Wendt 1992, 419).

Applying this to a post-conflict situation might elucidate the complexity of such change.⁵ In order advance inter-group cooperation through self-reflected change, a group (A) would have to disagree internally on a held consensus (collective knowledge) about the other group (B) in a conflict. This consensus could be the belief of A’s leadership that B is by default hostile and thus not to be trusted. In a second stage, A would have to examine what among its own practices in the past might have caused B to engage in hostile behavior, like political extremism and exclusiveness on A’s side.

This critical reflection of A and the acknowledgment that A itself has contributed to insecurity and thus the hostility of B would enable A to seek a change in its own behavior in order to change the image that B has of A. Thus A would try to change B by changing itself (i.e. A tries to induce change in B by complicating B’s image of A and thus breaking the consensual image of A among members of B). In our setting, A could engage unilaterally in new practices that display goodwill, such as demilitarization of its members. Yet, in order for such unilateral moves to build up a regime of cooperation, B must “reward” A’s behavior (by reacting likewise) in order to encourage a continuation of A’s new practices. Stable practice of a regime of cooperation could lead to its institutionalization.

Post-conflict situations present significant obstacles for such a four-step sequence. More

than two parties to the conflict would add more variables, thus discouraging unilateral actions. Self-reflection might not occur due to persistent convictions of the parties. Expectations about linear causal mechanisms are thus problematic: behavior and concepts of self and other do not change automatically upon changes in the physical environment. But assumptions about such mechanic processes often underlie approaches to post-conflict environments: security guarantees for peace agreements, support for government structures, money and training are expected to stimulate change but often result in disappointment.

Unintended change can result from evolution of cooperation. Behavior creates expectations which affect actors' identities and interests. Through cooperation, actors form new expectations about future actions by others, which after relatively stable practice over time leads to the internalization of new norms, e.g. valuing cooperation in itself, not only because it yields better returns than unilateral behavior. Two obstacles stand in the way of the change through evolution of practice model.

First, actors have to start cooperation. Therefore they must be interested in absolute rather than relative gains. The latter would be the result of negative attitudes like antipathy and distrust toward each other. In our post-conflict setting, groups A and B could prefer relative (sub-optimal) gains such as securing the group's decision making autonomy over absolute gains like an increase in collective security or prosperity from cooperation. Even if the international community can facilitate the beginning of cooperative processes (e.g. through roundtables) they will not become established and relevant, i.e. institutionalized, until the actors have internalized them.

Secondly, change through evolution of practice is slow and incremental. Wendt (1992, 418) explains that change is not the primary objective of the actors concerned, but rather a byproduct of attempts to realize other goals. It might thus take a long time of cooperation between actors before cooperation and the willingness to compromise – prerequisites for the functioning of democratic processes – are

realized as values in their own right (as opposed to necessary evils). Warring parties can be forced to cooperate in democratic structures under an international transitional administration, yet until this cooperation is valued itself and thus considered appropriate by the domestic actors, it cannot be self-sustainable. Determining when internalization has taken place is impossible *ex ante*, difficult *ex post*, and most likely longsome due to institutions' path-dependence.

We can summarize institutional change from a sociological institutionalism perspective referring to the concepts of the logic of appropriateness versus the logic of consequences (or instrumentality). Following the former means that actors make decisions because they are widely valued within a broader cultural environment (Hall/Taylor 1996, 949). The logic of consequences suggests that actors follow rational means-ends calculations, while the former suggests that what is considered rational is socially determined, and thus decisions are eventually made on reflections about appropriateness.⁶ The legitimacy of institutions, then, depends on the sources of cultural authority.

Without trying to locate the origins of culture, it is clear that successful statebuilding involves much more than the creation of governance systems. Likewise, institution-building does not mean changing the formal structure, the written 'rules of the game'. Rather it is about aligning formal rules with informal norms, and monitoring the enforcement or practice of each. Institutional performance depends on the interplay of these components and does not result from the existence of just one of them.

A lack of appreciation for the complexity of the above mentioned concepts has hampered most approaches to international transitional administration and statebuilding and their evaluations. While the goals of statebuilding missions are easily identifiable, the means how to get there are not. More recently, a new thread in the literature has emerged that questions traditional thinking on peace implementation. Such approaches combine insights from development theory and apply them to post-conflict situations.

3. International Statebuilding – The need to reconsider

3.1. *From Peacekeeping to International Statebuilding*

Alongside the “new interventionism” (Mayall 1996) exercised by the international community in post-conflict situations, publications mushroomed on all aspects of civil conflict, peacemaking, –keeping, and –building, as well as reconstruction. The majority of the literature focuses on the role and impact of external involvement in post-conflict situations. The following section provides an eclectic critique of the problems inherent in the current approaches to international statebuilding based on the foregoing discussion.

Chopra (1999, 34) gave a candid assessment of the state of affairs in 1999: “Peace operations to date have expected too much too quickly. Internal, national consolidation has been anticipated as a result of a single, relatively short, transitional phase. It has amounted to a ‘quick-fix’ worldview. Capitalism, democracy and the institutions of Western, liberal-style states have been the measurement of instant-development.” A 2005 perspective, especially in light of the recent interventions in Afghanistan and Iraq, reveals that not much has changed: traditional approaches prevail and lessons learned remain largely on paper.

These approaches can be divided into deductive and inductive approaches (Cousens et al. 2001, 5-10). The former deduce the content of peacebuilding from the existing capacities and mandates of international agencies and organizations. Identification of potential components is largely based on conceptual landmarks that informed decision makers like the UN Agendas for Peace and later the Brahimi Report. The bulk of the literature focuses on the operational implications of the implementation of the various components.⁷ Important advances have been made, for instance that peacebuilding is fundamentally political and not impartial, technical assistance. But the focus has remained on mechanics and techniques to address the challenges, reflecting the positivist thinking that

ultimately underlies deductive approaches. Fine tuning the tools has proven inadequate to address dynamic contexts not least because it does not clarify when and under what conditions they might be responsibly and effectively deployed (Cousens et al. 2001, 8). Nevertheless, deductive approaches have been most influential in post-conflict reconstruction strategies.

Inductive approaches are problem driven. They focus on the structural causes of the conflicts and the resulting ‘needs matrix’, aiming to tailor solutions to specific cases. Among the important insights of this school are that blueprints for external assistance are not likely work due to the differences of the cases and that the international intervention itself can play a distorting role. However, causal analysis is often only possible in retrospect and thus ill suited for future planning. Identifying root causes of conflicts does not necessarily explain their relative post-conflict relevance. Nor does it advise how solving one problem might affect others. Such knowledge is crucial for effective sequencing of reconstruction measures and for avoiding unintended consequences of interventions.

Both approaches have informed the latest response to the challenge of building a lasting peace in post-conflict societies, international transitional administration. These missions are a response to the ever growing complexity of the “democratic reconstruction model” (Ottaway 2002) which requires states not only to settle hostilities but to jumpstart a comprehensive reform agenda that aims at restructuring state-society relationships according to internationally accepted standards. Such endeavors have been implemented in Eastern Slavonia, Bosnia, Kosovo, and East Timor during the 1990s. All these missions had the ambition to bring lasting peace to a country or region from which not only the people affected by the conflict but the international community at large would benefit. Statebuilding has been the central means to achieve this end.

3.2. *Lessons from Bosnia and Beyond*

International administrations propose that external statebuilding works, i.e. that it is pos-

sible to establish the conditions for legitimate and sustainable national governance through a period of benevolent foreign autocracy. Strikingly, this inherent contradiction has gained little attention in scholarly literature and even less in the relevant policy documents.⁸ Chesterman (2004) calls this a means-ends inconsistency. Beauvais (2001, 1108) stresses practical implications, speaking of a dual statebuilding mandate for UNTAET, including a “UN governorship”⁹ and a “local self-government” part.

Such contradictions, inconsistencies, or operational challenges have triggered diverse responses: Chopra (2002, 999) calls for new concepts he labels “participatory intervention;” Chesterman (2004) advocates clear mandates, detailed sequencing of power transfer to the local population, transparency and accountability of international staff. He insists that local consent and true “ownership” of the process do not go together with international transitional administration, captiously pointing out that such intervention would not be needed if governance could rely on local actors; and for Caplan (2002, 83), power is the key, concluding “that a transitional administration in possession of full executive, as opposed to supervisory, authority is better equipped to meet the manifold challenge of these operations.”

Two examples from Bosnia highlight the practical problems that are symptomatic for the contradictions in external statebuilding. First, the idea of the Bosnian constitution as laid out in the Dayton Agreement was that power sharing would be the key to pacification. Relying heavily on a consociational power sharing mechanism, the country was soon stuck in a deadlock because each nationality exploited its prerogative to block decisions on the state level that would hurt its “vital interests”. Frustrated with the process, the Peace Implementation Council empowered the High Representative (HR) to push through legislation he considered necessary for implementation of Dayton and remove “obstructionists” to the peace process from office. Although this moved the country forward in some respect, it was detrimental to the statebuilding exercise in general.

Local elites could use HR interventions to prop up ethnic antagonism: they opposed the decisions and exploited the authoritarian character for their identity narratives. Decisions against individual politicians, for instance, were transformed into assaults against the whole ethnic group. Furthermore, the parties have concentrated their power and attention to the entity level. Avoiding decision making at the national level is beneficial for the local elites, since they can avoid association with unpopular decisions, which they would have to defend before their constituencies. As the international community wants to see smooth and progressive development, the HR will finally make the decisions.¹⁰ These in turn have a high propaganda value, since local elites can declare their solidarity with the population against intervention from outsiders reinforcing the ties with their communities.

Instead of institutionalizing the need for cooperation into the local actors, HR intervention thus strengthened the ethno-nationalist forces. While those actors concentrated their political activity on the entity level, HR intervention has dominated political development at the state level to the extent that the OHR has become an essential part of the political system in Bosnia (Cox 2004). This calls into question the prospect of sustainability of the central state and the legislation passed in its name.

A second example from Bosnia elucidates the limited impact that electoral design, a crucial component of statebuilding in Bosnia, has in adversarial environments. The international community sought “to use repeated elections at various levels to diminish the power of the political parties which are seen as bearing a large part of the responsibility for the war there, and to encourage the emergence of ‘moderate’ alternatives” (CSCE 1998, 1; Manning 2001, 3). This strategy has failed, at least in the short term, due to the power struggles along the election process that used elections for factional agendas.

Manning (2001, 8) points to the core of the problem: “Elections are not simply indicators of the level of commitment to the political system, they are tools used pro-actively by all ac-

tors struggling to define the structure of the new state of BiH and their own place within it.” Then HR Carl Bildt (1996, 254) explains “for the Serbs, elections were a way to sanction the status quo, while for Muslims they were a way to roll everything back to the pre-war status.” Such behavior could and should have been foreseen by the international community. Migdal’s definition of the state in society is a good lens to capture these dynamics in post-conflict Bosnia. Ideal-type, Weberian state models, combined with rather mechanic expectations regarding political processes, and calculating with unidimensional actors and institutions all too often miss the mark.

“Designing” a political system from the outside according to the perceived needs of a society is hardly possible. Bosnia’s constitutional framework, although designed and continuously ‘fine-tuned’ for the local context (Manning/Antic 2003), has not resulted in a unified, peaceful, multi-ethnic Bosnian state. That state would need supportive informal norm structures, shared by the main political and social actors.

Returning to the need to rethink the concept of institutions, and “institution building” in particular, the widely held assumption that statebuilding (or institution building respectively) has to “start from scratch”¹¹ is problematic. This is rarely the case. While some of this might just be rhetoric, international approaches often suggest a lack of reflection on the key concepts employed. New institutions are introduced into a world replete with institutions. Following the approach to institutions and institutional change outlined above requires abolishing prepackaged solutions to post-conflict societies and devoting more attention to the recipients’ side.

Yet “starting from scratch” thinking pervades all policy areas in post-conflict situations: from constitutional design over economic reconstruction to “civil society” promotion. While it is important to utilize remaining indigenous structures for the purpose of facilitating reconstruction, it is imperative to figure them into efforts of political development. Informal norms outlive even significant changes in the formal structures of the political system and fill the

empty shells of formal rules with life. Formalistic institution-building is bound to produce unintended consequences, meaning that actual developments on the ground do not resemble the intentions of the ‘designers’.

International intervention should thus be directed at transforming the informal norms of society to bring them in line with the requirements of the formal structures, instead of simply imposing the latter. Yet imposition is common procedure in the Bosnian statebuilding and reform process. Examples abound, from security sector reform, tax and other economic reforms, constitutional change, most of which are aimed at removing obstacles on the way to the EU: the international community has made the bulk of the decisions, has appointed commissions and organizations, passed laws, and removed disagreeable people from elected or other public office. But reforms have often not had the intended effects. This is due to poor implementation which results from opposition, obstruction or corruption by local actors. Poor implementation of reforms could prolong a situation in which the citizens have to suffer the cut backs – for instance from economic reform or public expenditure overhauls – without being able to reap the benefits of a revitalized economy, adding grievances to the still dire situation of the population instead of alleviating them.

The fact that only severe outside pressure has led to ‘changes’ calls their durability into question. Without the committed involvement of parliaments at entity or canton levels and true internalization of reforms, set-backs are possible, if not likely. Mitra (2004) notes that domestic political processes, however glacially slow, are nevertheless necessary for the formation of the consensus only upon which durable change can be built. The emphasis, then, should be more on strengthening domestic processes than on imposing the ‘right’ solution.

There seems to be a growing willingness in the donor community to reconsider the approaches of the 1990s. Much of this new thinking takes into account development literature and experience. Post-conflict reconstruction itself has come to be regarded as a *development*

challenge in the special circumstances of a war-torn society (Stiefel 1999). This suggests that current approaches may be improved by turning toward the lessons learned in development cooperation (which can look back on a much longer history of evaluation, adaptation and “try again, fail again, fail better” exercises) and combining those with the experiences made in post-conflict situations.

Development and post-conflict strategies remain inconsistent. Where one is process oriented and seeks sustainability, the other is rather product based and looks for results in short time; while one is controlled externally, the other promotes local initiative (Bush 2004). Attempts to get these two “cultures” talking to each other are manifested for instance in community driven reconstruction programs (Cliffe et al. 2003). In general, greater appreciation for the local context seems to find its way into the corridors of donor organizations (McKechnie 2003; Woodward 2002). Linear models of war to peace transitions are being questioned, which follows experiences with development cooperation.

Change seems to be in urgent need. In the wider context, UN missions with statebuilding components have failed more often than not. Of the 18 countries that experienced UN peace-keeping missions with a political “institution-building” component between 1988 and 2002, thirteen (72%) were classified as some form of authoritarian regime as of 2002 (Call/Cook 2003). Implementation of the prevalent “democratic reconstruction model” has proven problematic to say the least. UNTAES in Eastern Slavonia is regarded as a success, while the situation on the ground is far from resolved. Violence has sparked in Kosovo in spring 2004, and East Timor is still struggling, even if Chopra’s (2002) account of UNTAET as “building state failure” might be too pessimistic.

4. Conclusion

This article has suggested that international statebuilding ill due to a limited appreciation of the complexities that such missions entail. It

has offered a definition of the state and the process that leads to its making that goes beyond traditional, and in this opinion, overly simplistic concepts still dominant in statebuilding research and practice. The discussion of institutions and institutional change attempted to elucidate the context in which post-conflict statebuilding takes place. Some of the recent experiences from the field have shown that there is an urgent need for further reflection on current approaches in order to realize the promises they make to the people in whose name they are being exercised.

International statebuilding is not a technical affair, but a complex undertaking that impacts on every aspect of the target society. It is an effort in social engineering and not impartial assistance for self-help (Paris 1997). The recent move towards variants of international transitional administration that have included temporary UN statehood in East Timor give evidence to a new willingness on part of the international community to engage in post-conflict societies. Strong mandates and substantial resources alone, while important in their own right, do not determine the fate of a statebuilding mission. It might be advisable to change our language as we have seen that the state cannot be built but is constituted over time, not last in the minds of its people.

There is need for further research, yet, equally important, research has to become more policy relevant. “Standardized packages and blueprints that are imposed from outside, without regard to the intense political contests of post-conflict circumstances and to the need for donors to match resources to their goals, will fail” (Woodward 2002, 30). It is time to provide alternatives to the Procrustean Bed of international statebuilding. There is a persistent unwillingness to let go of an ideal model of state reconstruction by those who think of themselves as specialists, and a growing tension between them and realists who recognize the cost and long term commitment that statebuilding must imply. Moving away from a focus on outcomes toward a better understanding of how international assistance can stimulate the right processes that are needed to induce change in peo-

ple's minds might be a way to start such a research agenda.

This article has shown that institutional change and development is a lengthy and complicated process defying quick solutions. It does not provide an alternative approach to post-conflict statebuilding, but it argues that a better understanding of the actors and structures in post-conflict situations can provide a map to look for improvement.

NOTES

- 1 Goodhand/Hulme (1999, 16f.) define complex political emergencies as conflicts combining: 1) conflict within and across state boundaries; 2) political origins; 3) protracted duration; 4) social (often exclusionary) cleavages; 5) predatory social formations.
- 2 See Hall/Taylor (1996) for a thorough discussion.
- 3 "Social structures"/"Institutions" and "agents"/"actors" are used interchangeably in this study.
- 4 The challenge is to bring these two assumptions together in one analytic framework, which constitutes the "agent-structure problem" (Dessler 1989; Wendt 1987).
- 5 This discussion adapts Wendt's (1992, 419-422) analysis of the replacement of a competitive with a cooperative international security system to post-conflict situations.
- 6 Appropriateness does not have to refer to 'positive' norms and values. Exclusionary ideology might render appropriate hostility, even war.
- 7 Examples are: inter-organizational coordination, management, and financing or means-ends (mandate-procedure) contradictions.
- 8 Notable scholarly exceptions are (Beauvais 2001; Bain 2003; Newman 2002).
- 9 "Governorship" refers to one of the four operational categories of transitional authority offered by Chopra (1999, 16), the others are assistance, partnership and control.
- 10 In fact there has been an increase in HR decision making over the years.
- 11 Consider (Dobbins et al. 2003; UNDP 2004). Regarding Kosovo and East Timor some spoke of "intervention" (Traub 2000).

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